

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
November 27, 2006
4:00 p.m.

The City Commission convened at 2:30 p.m. in a Study Session on Special Sales Tax Requests. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Mayor Donnie D. Marrs, Chairman presiding
Commissioner Deborah P. Divine
Commissioner Alan E. Jilka
Commissioner R. Abner Perney
Commissioner John K. Vanier II

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager
Greg Bengtson, City Attorney
Lieu Ann Elsey, City Clerk

Absent: None

CITIZEN FORUM

None.

AWARDS - PROCLAMATIONS

None.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

None.

CONSENT AGENDA

(6.1) Approve the minutes of November 20, 2006.

06-7372 Moved by Commissioner Divine, seconded by Commissioner Vanier, to approve the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

DEVELOPMENT BUSINESS

(7.1) Application #Z06-15, filed by Jim Maes and D.S. Guise, requesting a change in zoning district classification from I-1 (Light Industrial) and C-3 (Shopping Center) to I-2 (Light Industrial) for property located at 1331-1341 Armory Road and legally described as Lots 5 & 6 in Block D of the Park West Addition.

(7.1a) First reading Ordinance No. 06-10362.

Dean Andrew, Director of Planning and Community Development, explained the request, existing zoning, characteristics of the neighborhood and the Planning Commission's recommendation.

Mr. Andrew and Shawn O'Leary, Director of Public Works, then responded to Commissioner Divine's questions regarding Armory Road.

A discussion followed between Mayor Marrs and Mr. Andrew regarding the affect of combining Lots 5 and 6.

06-7373 Moved by Commissioner Perney, seconded by Commissioner Jilka, to pass Ordinance No. 06-10362 on first reading. Aye: (5). Nay: (0). Motion carried.

(7.2) Application #Z06-16, filed by Richard and Cheri Beus, requesting a change in zoning district classification from R-2 (Multi-Family Residential) to PC-2 (Planned Neighborhood Shopping) for property located at 1017 S. Santa Fe Avenue and legally described as Lot 12 on Santa Fe in the Grounds of Kansas Wesleyan University.

(7.2a) First reading Ordinance No. 06-10363.

Dean Andrew, Director of Planning and Community Development, explained the request, current zoning, proposed use of the property, and the Planning Commission's recommendation of approval of the zoning and conditions to include:

- 1). Uses of the property shall be limited to a barber shop, beauty shop, massage therapy business and business and professional offices and shall be subject to all C-2 use limitations, including the prohibition on outdoor display and storage.
- 2). Signage on the site shall be limited to two wall signs.
- 3). Any exterior rehabilitation of the structure shall be architecturally compatible with the existing filling station building in terms of design, construction materials and appearance.
- 4). Development of the site including off- street parking, shall substantially conform to the approved site plan.

Mr. Andrew continued to explain that the Planning Commission did not recommend an amendment to the Comprehensive Plan.

06-7374 Moved by Commissioner Jilka, seconded by Commissioner Perney, to pass Ordinance No. 06-10363 on first reading. Aye: (5). Nay: (0). Motion carried.

ADMINISTRATION

(8.1) Resolution No. 06-6330 authorizing an agreement for audit services for the year ending December 31, 2006 with Lowenthal, Singleton, Webb, and Wilson in an amount not to exceed \$35,500.

Rodney Franz, Director of Finance and Administration, explained the agreement and funding. Mr. Franz then responded to Commissioner Jilka's question regarding the funding source.

06-7375 Moved by Commissioner Divine, seconded by Commissioner Vanier, to adopt Resolution No. 06-6330. Aye: (5). Nay: (0). Motion carried.

(8.2) Resolution No. 06-6326 communicating the City of Salina's position regarding an air emission source construction permit for the proposed construction of coal-fired electric generating units by Sunflower Electric Power.

06-7376 Moved by Mayor Marrs, seconded by Commissioner Vanier to postpone consideration of Resolution No. 06-6326 indefinitely.

Commissioner Perney expressed his opposition towards the motion.

Commissioner Jilka noted that he would like to hear from the citizens that were present.

Commissioner Divine asked Mayor Marrs to explain his reasoning for the motion.

Mayor Marrs explained that he felt that it was not local governments' place to act on the issue.

Commissioner Perney disagreed, and felt that local government should be taking the issue to higher levels of government.

Mayor Marrs called the question. Aye: (2) Vanier, Marrs. Nay: (3) Divine, Jilka, Perney. Motion failed.

Jason Gage, City Manager, explained the request, information provided by Sunflower Electric Power Corporation, and the outcome of the public hearing held in Lawrence.

Kay Burns, 328 S. 11th, expressed her opposition and concerns with its water usage.

Pete Ferrell, Butler County, Kansas, expressed his opposition of the coal-fired plant and commented on wind energy. A discussion followed between Mr. Farrell and Commissioner Divine regarding wind energy and the capacity factor.

Raymond Dean, 1835 Republic Road, Lawrence, Kansas, responded to Commissioner Divine's question regarding the capacity factor of wind energy, and expressed his opposition of the plant.

Phil Black, 438 Hazel Court, expressed concerns of water usage and support of the resolution.

Wes Jackson, 2440 E. Water Well Road, expressed the need to transform global systems and opposition of the plant. Mr. Jackson then responded to Commissioner Jilka's question regarding on whether it was local government's place to deal with the issue.

Doug Rudick, 808 Rainbow Drive, expressed his feelings on how the plant would affect Salina and the water supply. He also expressed his opposition to the plant.

Ken Warren, 130 S. Wisconsin, spoke in opposition of construction of the plant in Holcomb, Kansas.

David Course, 1110 Martin Avenue, expressed his opposition of the power plant, water usage, and alternative sources of energy.

Don Timmel, 534 Upper Mill Heights Drive, expressed his concerns of water usage. A discussion followed between Commissioner Jilka, Mr. Timmel, and Mayor Marrs regarding water rights and water usage.

Sara Simpson Dean, Lawrence, Kansas, expressed her opposition of the construction of the plant; she also explained that she had served on the Kansas Energy Council and spoke of progress made. Ms. Dean then responded to Commissioner Jilka's question regarding on whether the Governor had to ask the Council to submit a stance on the issue. Ms. Dean clarified that the Council had not been asked.

Steve Miller, Sunflower Electric, requested that the Commission not adopt the proposed resolution. Mr. Miller commented on the effect the plant would have on the community water supply and that it would not affect the Saline River. Mr. Miller continued to speak on water rights and complying with state and federal regulations.

A discussion followed between Commissioner Perney and Mr. Miller regarding global warming, CO₂ levels placed in the air, ownership of the firing units, and air pollution.

Mr. Miller then responded to Commissioner Jilka's question on whether there would be a chance that the plants would be taken out of service in the future.

Mayor Marrs felt that local government was not the appropriate place to act on this issue; therefore, could not support the resolution. He also expressed his concerns with water conservation.

Commissioner Divine expressed her concerns on the environment and global warming; however, did not feel that the resolution was appropriate. She continued to explain that she felt the issue in Holcomb, Kansas was just a small portion of a larger problem. Commissioner Divine would like to see the City Commission adopt the Resolution No. 06-6331 addressing that the city would develop a comprehensive environmental review process for development proposed for the city and to develop an energy plan that focuses on conservation for the city; have legislation develop a statewide comprehensive environmental impact review process to ensure that resources are not degraded or depleted; have legislation develop a comprehensive energy plan for the state that emphasizes conservation of energy by all users and that it include cost-benefit analysis and environmental impact studies be conducted for all proposed energy production plants.

Mayor Marrs noted that the addition of the Resolution to the agenda would conflict with the City Commission rules and procedures.

06-7377 Moved by Commissioner Divine, second by Commissioner Vanier, to deny Resolution No. 06-6326.

Commissioner Perney commented on the current energy plan, plants that have already been built, and the resolution that was proposed by Commissioner Divine. He then urged his fellow commissioners to adopt the Resolution No. 06-6326.

Commissioner Vanier felt that this was not proper venue for this discussion; noting that this was a statewide problem and something that local government should not take on. He expressed his concerns on what type of precedence it would set if the resolution was adopted.

Commissioner Jilka expressed concerns of water supply and his support on Resolution No. 06-6326.

Mayor Marrs called the question. Aye: (3) Divine, Vanier, Marrs. Nay: (2) Jilka, Perney. Motion carried.

(8.3) Award contract for Soccer Complex Concession/Restroom Building, Project 03-1399.

Shawn O'Leary, Director of Public Works, explained the project, bids received, and project funding. Mr. O'Leary clarified that the permit and flood plain issues have been resolved with the state.

Paula Knox, Salina Soccer Club, commented on the amount of private funds raised and thanked the City Commission and staff for their work.

Mayor Marrs thanked Ms. Knox for her efforts in the project.

A discussion followed between Commissioner Divine, Mayor Marrs, Mr. O'Leary, and Troy Eisenbraun of Wilson and Company regarding the heating and cooling system.

06-7378 Moved by Commissioner Divine, seconded by Commissioner Jilka, to award contract for Soccer Complex Concession/Restroom Building, Project 03-1399 to Ponton Construction in the amount of \$250,730 and reject the alternate bid. Aye: (5). Nay: (0). Motion carried.

(8.4) Acceptance of dedication of a utility easement in the White Acres Subdivision.

Martha Tasker, Director Utilities, explained the proposed dedication.

06-7379 Moved by Commissioner Vanier, seconded by Commissioner Divine, to accept the dedication of a utility easement in the White Acres Subdivision. Aye: (5). Nay: (0). Motion carried.

(8.5) Approve an amendment to the annual engineering contract with Camp Dresser & McKee Inc.

Michael Fraser, Director of General Services, explained the amendment would include Task 8 for supplemental groundwater investigation and Geoprobe sampling. Mr. Fraser continued to summarize the funding of the agreement.

A discussion followed between Mr. Fraser and Mayor Marrs regarding the landfill boundaries, location of the contamination, and the scope of the work included in the amendment. Further discussions followed between Commissioner Divine, Commissioner Perney, and Mr. Fraser regarding well location, on-site testing, and funding.

A discussion followed between Mayor Marrs and Mr. Fraser regarding the movement of the soil contamination.

06-7380 Moved by Commissioner Divine, seconded by Commissioner Perney, to approve Task 8 Amendment to the annual contract with Camp Dresser & McKee for up to \$36,500. Aye: (5). Nay: (0). Motion carried.

OTHER BUSINESS

Mr. Gage informed the City Commission that the couple who resides on the north side of the city that had the utility issue has qualified assistance to aid them with fixing the problem.

Mr. Bengtson requested an executive session for legal and personnel issue.

06-7381 Moved by Perney, seconded by Commissioner Jilka, to recessed into executive session for 15 minutes to discuss with the City Attorney a matter subject to the attorney client privilege for the reason that public discussion would waive the privilege and to discuss a personnel matter involving non-elected personnel of the City for the reason that public discussion of the matter would violate the privacy rights of the City employees involved. Aye: (5). Nay: (0). Motion carried.

The City Commission recessed into executive session at 5:47 p.m. and reconvene at 6:05 p.m.

ADJOURNMENT

06-7382 Moved by Commissioner Jilka, seconded by Commissioner Divine, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 6:05 p.m.

Donnie D. Marrs, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey, CMC, City Clerk